

**From:** Brett Jensen  
**To:** Ryan Shaffer; Jessica Yuhas; Gerry.Fagan@moultonbellingham.com; Christopher Sweeney; Jon Wilson; Michael Sarabia; Jordan.FitzGerald@moultonbellingham.com; Joel Taylor (jtaylor@mmt-law.com)  
**Cc:** Rob Stepans; Jared Brannan; carrie.nance@moultonbellingham.com; Barbara Bessey; Sylvia Basnett; Katy Gannon; James Murnion; Matthew Merrill; Debbie Braaten  
**Subject:** RE: Caekaert/Mapley & Rowland Schulze: Response to WTNY's 7/27/2023 Ltr. re Rule 35 Exam  
**Date:** Tuesday, August 1, 2023 2:25:00 PM

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Thanks Ryan. I am following up with Dr. Bütz about this. That seems like a sensible solution re the raw testing data—I just need to make sure he is good with it.

I've also had some continued discussions with WTNY about the business class upgrades and time in transit. Can we resolve this issue if WTNY agrees to cover the upgrades, i.e. Plaintiffs cover the cost of seats in economy and WTNY covers the upgrades, and in exchange Plaintiffs cover Dr. Bütz's time in transit? Like we discussed yesterday, the concession for Dr. Bütz to fly halfway around the world in lieu of Ms. Mapley completing litigation activities in the forum where she filed suit is already a major concession. Dr. Bütz has thoroughly explained in his letters and provided supporting studies showing why in-person assessments are necessary. I frankly don't understand Plaintiffs' distinction between time in transit and travel costs. Both are additional costs directly related to Dr. Bütz's concession to travel for the examinations. Let me know if that would be a workable compromise.

Brett C. Jensen  
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**From:** Ryan Shaffer <ryan@mss-lawfirm.com>  
**Sent:** Monday, July 31, 2023 1:51 PM  
**To:** Brett Jensen <BJensen@brownfirm.com>; Jessica Yuhas <jessica@mss-lawfirm.com>; Gerry.Fagan@moultonbellingham.com; Christopher Sweeney <Christopher.Sweeney@moultonbellingham.com>; Jon Wilson <jwilson@brownfirm.com>; Michael Sarabia <MSarabia@brownfirm.com>; Jordan.FitzGerald@moultonbellingham.com; Joel Taylor (jtaylor@mmt-law.com) <jtaylor@mmt-law.com>

**EXHIBIT**

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**Subject:** RE: Caekaert/Mapley & Rowland Schulze: Response to WTNY's 7/27/2023 Ltr. re Rule 35 Exam

Brett,

Following up on our call, so long as Dr. Butz agrees to provide the raw test data to our experts (Bone and Holmberg) we are good not requiring disclosure to Plaintiffs' counsel.

Thanks,

Ryan R. Shaffer



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**From:** Brett Jensen <[BJensen@brownfirm.com](mailto:BJensen@brownfirm.com)>

**Sent:** Monday, July 31, 2023 10:45 AM

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**Subject:** RE: Caekaert/Mapley & Rowland Schulze: Response to WTNY's 7/27/2023 Ltr. re Rule 35 Exam

Hi Ryan:

Thanks for your letter. Can you chat with us today at 2pm? I will send out instructions to our conference line.

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**Sent:** Friday, July 28, 2023 2:52 PM

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**Subject:** Caekaert/Mapley & Rowland Schulze: Response to WTNY's 7/27/2023 Ltr. re Rule 35 Exam

Counsel,

Please see our attached response to your letter of July 27, 2023. This will follow via U.S. Mail.

Thank you,

Jessica Yuhas  
Paralegal



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